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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,315	06/20/2000	ROBERT BANKS	CE08314R	7399

22917 7590 07/13/2006

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EXAMINER

JACKSON, JENISE E

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/597,315

Applicant(s)

BANKS ET AL.

Examiner

Jenise E. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04292006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-12, 14-38, remain rejected under 35 U.S.C. 102(e) as being anticipated by

Frailong et al(6,012,100).

3. As per claim 1, Frailong discloses an apparatus for interfacing a communication network to a feature server external to the network (see col. 4, lines 52-60, col. 5, lines 2-12), a service delivery element, wherein the service delivery element is within the communication network (see col. 2, lines 28-45, col. 4, lines 52-60, col. 5, lines 2-12), the service delivery element including at least one internal interface to couple the service delivery element to other devices within the communication network(see col. 3, lines 54-67, col. 4, lines 60-67, col. 5, lines 1-5), an external interface to couple the service delivery element to at least one feature server external to the communication network(see col. 5, lines 17-43), an embedded security layer to authenticate the at least one feature server on the communication network(see col. 13, lines 62-67, col. 14, lines 1-30), and to provide a secure interface for the at least one feature server to the communication network through the external interface(see col. 4, lines 1-20), a processor stored within a memory associated with the processor(see col. 4, lines 1-18); and wherein the service delivery element is operable to recognize the feature server (see col. 4, lines 43-60, col. 8, lines 26-30, 36-

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63), to negotiate a security level between the feature server and the communication network, and to manage access by the feature server to the communication network(see col. 4, lines 52-60, col. 5, lines 2-21, col. 18, lines 26-54).

4. As per claim 2, Frailong discloses wherein the security level defines a level of access of the feature server to the communication network(see col. 18, lines 26-55).

5. As per claim 3, Frailong discloses wherein, based upon the security level, the service delivery element restricts access by the feature server to at least one class of data retained within the communication network(see col. 5, lines 43-58).

6. As per claim 4, Frailong discloses wherein, based upon the security level, the service delivery element restricts access by the feature server to at least one internal function of the communication network(see col. 5, lines 43-58).

7. As per claim 5, Frailong discloses wherein based on the security level, the interface device terminates access by the external element(see col. 18, lines 26-65).

8. As per claim 6, Frailong discloses wherein the interface device provides scalable levels of access to the communication network by the external element(see col. 17, lines 39-67).

9. As per claim 7, Frailong discloses wherein the interface device includes restriction criteria associated with varying degrees of authorization to the communication network by the external element(see col. 8, lines 36-63).

10. As per claim 8, Frailong discloses wherein the restriction criteria includes one of user based privileges and network operation variables (see col. 5, lines 43-58).

11. As per claim 9, Frailong discloses wherein the interface device is operable to provide access control(see col. 18, lines 26-29).

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12. As per claim 10, Frailong discloses wherein the interface device includes a tunnel communication mode(see col. 15, lines 44-53).

13. As per claim 11, Frailong discloses wherein the tunnel communication mode includes of an IP security protocol tunnel mode(see col. 15, lines 44-53).

14. As per claim 12, Frailong discloses wherein the interface device is configured to recognize a particular external element(see col. 2, lines 28-45).

15. As per claim 13, Frailong discloses wherein the interface device includes an embedded security layer(see col. 15, lines 41-43).

16. As per claim 14, Frailong discloses wherein the interface device establishes a security layer between the communication network and the external element(see col. 15, lines 25-53).

17. As per claim 15, Frailong discloses wherein the interface device is operable to establish one of a static association and a dynamic association between the external element and the communication network(see col. 16, lines 15-23, 49-67).

18. As per claim 16, Frailong discloses wherein the interface device is operable to provide an action responsive to the security level(see col. 18, lines 26-65).

19. As per claim 17, Frailong discloses wherein the interface device is operable to provide an action responsive to the security level(see col. 18, lines 26-55).

20. As per claim 18, Frailong discloses wherein the action includes one of creating a usage accounting record and providing a message(see col. 17, lines 49-67, col. 18, lines 1-25).

21. As per claim 19, Frailong discloses wherein the interface device is operable to expand access to the communication network by the external element(see col. 8, lines 36-64).

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22. As per claim 20, Frailong discloses wherein the interface device expands access to the communication network by the external element subsequent to a renegotiation of the security level(see col. 5, lines 43-58).

23. As per claim 21, wherein the interface device includes a translation function(see col. 15, lines 25-30).

24. As per claim 22, is rejected under the same basis as claim 1.

25. As per claim 23, it is rejected under the same basis as claim 2.

26. As per claim 24, Frailong discloses based upon the security level, restricting access by the external element to at least one class of data retained within the communication network(see col. 18, lines 26-55).

27. As per claim 25, Frailong discloses based upon the security level, restricting access by the external element to at least one internal function of the communication network(see col. 8, lines 36-63).

28. As per claim 26, Frailong discloses based upon the security level, terminating access to the communication network by the external element(see col. 5, lines 43-58).

29. As per claim 27, Frailong discloses scaling levels of access to the communication network by the external element(see col. 15, lines 43-53).

30. As per claim 28, Frailong discloses wherein the interface device includes restriction criteria, and wherein the method includes varying degrees of authorization to the communication network by the external element in view of the restriction criteria (see col. 5, lines 43-58).

31. As per claim 29, Frailong discloses wherein the restriction criteria includes on of user based privileges and network operation variables(see col. 15, lines 44-53).

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32. As per claim 30, Frailong discloses tunneling data between the feature server and the communication network thorough the service delivery element(see col. 15, lines 44-53).
33. As per claim 31, Frailong discloses wherein the step of recognizing an feature server includes recognizing a particular feature server(see col. 2, lines 28-45).
34. As per claim 32, Frailong discloses establishing a security layer between the communication network and the feature server(see col. 15, lines 25-53).
35. As per claim 33, Frailong discloses establishing one of a static association and a dynamic association between the feature server and the communication network(see col. 16, lines 15-23, 49-67).
36. As per claim 34, Frailong discloses in response to a failure to negotiate a security level, providing an action responsive to the failure to negotiate a security level(see col. 18, lines 26-65).
37. As per claim 35, Frailong discloses wherein the action includes one of creating a usage accounting record, providing a recorded message and linking to a source of additional information(see col. 17, lines 49-67, col. 18, lines 1-25).
38. As per claim 36, Frailong discloses expanding to the communication network by the feature server(see col. 2, lines 28-45).
39. As per claim 37, Frailong discloses wherein the step of expanding access to the communication network by the feature server includes renegotiating the security level(see col. 13, lines 62-67, col. 14, lines 1-30).
40. As per claim 38, Frailong discloses the step of translating data communicated between the feature server and the communication network(see col. 15, lines 25-30).

Response to Amendment

41. The Applicant states that Frailong et al. does not disclose that the service delivery element is in different devices where those devices are spread between different networks. The Examiner asserts that what is claimed is a service delivery element, which is disclosed in Frailong(see col. 3, lines 54-65). The Applicant is arguing and reading limitations into the claim that are not disclosed this point is moot. The Applicant states that Frailong does not disclose the service delivery element. The Examiner disagrees with the Applicant. Frailong discloses a client network(120) includes a LAN and also contains a gateway computer(i.e. service delivery element) which connects to the LAN(see col. 3, lines 55-61, col. 5, lines 1-5)). The Applicant states that the gateway interface of Frailong is in the client network and is not internal to the Internet. The Applicant has not claimed where the service delivery element is internal to the Internet. Therefore, this remark is moot.

42. The Applicant states that Frailong does not disclose providing security for access to feature server for the communication network. The Examiner disagrees with the Applicant. Frailong discloses that the remote management server(i.e. feature server) contains security information such as passwords and encryption keys that are used to establish a trust relation(see col. 5, lines 43-47, col. 18, lines 26-50). The gateway interface cannot receive upgrades or messages until the gateway interface has been authenticated to the feature server(see col. 5, lines 43-47, col. 18, lines 26-50).

43. The Examiner is unclear as to what argument the Applicant is trying to make on page 10, last paragraph. The Applicant is urged to clarify the remarks, so that the Examiner can reply.

Final Action

44. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E. Jackson whose telephone number is (571) 272-3791. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



April 30, 2006

CHRISTOPHER REVAK
PRIMARY EXAMINER

cel 5/1/06